



Indiana State Board of Education

Room 225 State House
Indianapolis, Indiana 46204-2798

MEMORANDUM

TO: State Board of Education

FROM: Jeff Zaring, State Board Administrator

DATE: May 27, 2009

SUBJECT: Legislation

A report on the 2009 legislative session is attached. In separate agenda items, we will discuss financial responsibility curriculum and teacher provisions – background checks, license revocation and immunity.

Summary of Legislation: 2009 Session

[*This is list details all bills that have been signed into law, unless otherwise noted, as of May 13th. For further information on the legislation please feel free to contact Neil Ruddock
nruddock@doe.in.gov .]

| BILLS ENACTED INTO LAW: | | | |
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| BILL # | Authors | Date effective: | Digest: |
| SB 0016 | Sen. Holdman, Rep. Austin | July 1, 2010 for main provisions | <p>Requires the State Board and ICJI to adopt rules specifying that the classroom portion of driver's education may not be provided to a child less than fifteen (15) years and 180 days of age.</p> <p>Establishes the interim study committee on driver education, comprised of IDOE and BMV (though the bill's sponsors indicated they're comfortable with ICJI being involved). The study committee must examine:</p> <ul style="list-style-type: none"> (1) the administration of driver education by the bureau of motor vehicles and the department of education; (2) standards for an Internet component of driver instruction; (3) standards for a classroom component of driver instruction; (4) penalties for instructional providers that fail to follow the standards for instruction driving experience; (5) statistics for moving violations accrued by individuals less than eighteen (18) years of age who had: <ul style="list-style-type: none"> (A) taken driver education with a classroom component of driver instruction; (B) taken an Internet component of driver instruction; and (C) no formal driver education; (6) the effectiveness of driver education courses on the accident rates of young drivers; and (7) the standards and curriculum content for an effective driver education program. <p>Not later than November 1 in the years 2009 through 2014, the state police department shall make a written report to the:</p> <ul style="list-style-type: none"> (1) legislative council; and (2) governor; <p>concerning motor vehicle accidents and fatalities resulting from motor vehicle accidents in the preceding year involving operators of a motor vehicle who were at least fifteen (15) years and one hundred eighty (180) days of age and less than twenty (20) years of age.</p> |
| HB 1107 | Reps. Tincher, and Koch | July 1, 2009 | Compact for education for military children. Enacts the Interstate Compact on Educational Opportunity for Military Children. Provides for the coordination of efforts among state agencies and other states to facilitate the transfer of students of military families between schools, including the transfer of educational and other records. Provides for the recognition of coursework to facilitate timely graduation of students of military families. |
| HB 1462 | Rep. Kersey | July 1, 2009 | Requires the attorney general and IDOE to annually notify teachers that the attorney general may defend suits against teachers and that teachers have qualified immunity for |

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| | | | reasonable acts of discipline. Requires school corporations, charter schools, and accredited nonpublic schools to conduct an expanded criminal history background check before employing a potential employee in any position within the school corporation. Adds possession of child pornography to the list of felonies for which a teacher may lose the teacher's license. Requires that IDOE maintain a publicly searchable database of information regarding employees reported to IDOE for certain offenses, and requires that school corporations report (and the database include) cases where a local governing entity takes "final action" with respect to an employee. |
| HB 1343 | Rep. Pryor, Porter | July 1, 2009 | School dropout prevention. Creates the dropout prevention fund, to be administered by IDOE, to: (1) provide money for school corporation programs that identify students who are at risk of dropping out of school; and (2) provide appropriate interventions for those students. Requires grant applications to include accountability metrics. IDOE has committed to use Alternative Education funds to implement this legislation since there is overlap in the respective target populations. |
| HB 1419 | Rep. V. Smith | July 1, 2009 | Student discipline. Requires the governing body of a school corporation to develop an evidence-based plan for improving behavior and discipline in the school corporation. Requires school corporation discipline rules to incorporate a graduated system of discipline, which includes actions that may be taken in lieu of suspension or expulsion. Requires IDOE to develop a master evidence based plan for improving student behavior and discipline upon which school corporations may base plans. |
| HB 1479 | Rep. Porter | July 1, 2009 | Recruitment of educators from underrepresented populations. Requires IDOE to collaborate with nonprofit entities, the commission for higher education, and state educational institutions to develop initiatives focusing on the recruitment and retention of qualified educators from underrepresented populations and teacher shortage areas. |
| HB 1581 | Sen. Waltz, Rep. Porter | July 1 | Financial responsibility curriculum. Requires public schools (including charter schools) and accredited nonpublic schools to provide instruction in personal financial responsibility to students in grades 6 through 12. State Board determines how to integrate within existing programs. |
| HB 1339 | Reps. Welch, Lehman | September 1 | Revises the definition of school bus for purposes of the child restraint system law. As amended in Senate committee, provision requiring pre-service training for drivers of special-purpose buses now (instead) requires DOE to develop and distribute training materials to each school corporation by September 1, 2009 |
| HB 1289 | Rep. Crawford | July 1 | Requires Superintendent or designee to serve on Board for Coordination of Programs Serving Vulnerable Individuals. The board must meet every two months, and provide quarterly reports to the Governor, General Assembly etc. Among the board's duties is to 'oversee implementation of the disproportionality commission's recommendations.' |
| SB 0057 | Sen. Lubbers | July 1, 2010 | Requires the Division of Professional Standards by July 1, 2010 to set standards for sign language interpreters who provide services to children with disabilities in an educational setting |
| SB 0219 | Sen. Miller | October, 2010 | Requires school corporations to report to IDOE, and IDOE to |

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| | | | <p>report to the legislature by October 1, 2010 (in electronic format), whether the modified clinical vision tests required in K/1:</p> <ol style="list-style-type: none"> 1) Were conducted at the school 2) If the tests were not conducted at the school, the reason for not performing the tests 3) If the tests were conducted at the school, the number of students tested. <p>Also requires IDOE to “make and continuously maintain” records of the actions it takes regarding waivers allowing schools to do vision acuity rather than modified clinical tests</p> |
| SB 0365 | Senators Lawson and Lanane | Report due July 1, 2010 | <p>Primarily affects Department of Child Services, but also includes language (beginning on page 64, PDF version) that requires IDOE to work with DCS to develop and coordinate the “education advocates for children in foster care plan.”</p> <p>The plan must:</p> <ol style="list-style-type: none"> (1) specify the best approach to coordinate the transfer of a child in foster care between schools and between school districts, including the transfer of a child's school records and any individual education plans; (2) address specific educational issues encountered by children in foster care; (3) specify with whom the department may partner to assist with the educational needs of a child in foster care; (4) specify how school corporation liaisons, under IC 20-50-1, and the programs for tutoring and mentoring for homeless children and foster care children, under IC 20-5-2, could assist the department with foster care children; and (5) recommend legislation to fulfill the plan. <p>The department shall submit a report to the governor and the legislative council before July 1, 2010.</p> |
| HB 1455 | Reps. Tyler, Duncan | January 10, 2010 | <p>Broader autism bill which contains a provision requiring IDOE to develop a document explaining aspects of autism including behaviors that students with autism may exhibit. This document is to be distributed to school corporations for distribution to non-certificated employees</p> |
| HB 1681 | Rep. Summers | July 1 | <p>Establishes eligibility requirements for the twenty-first century scholars program for foster care youth. Requires a caseworker of a foster child to provide certain information to the child concerning scholarship programs. Requires IDOE, DCS, SSACI, and ICHE to jointly study whether there is a need for a foster care educational assistance program; and (2) submit a report containing recommendations to the legislative council by October 1, 2009 concerning whether legislation is needed to establish a program and the best agency to administer the program.</p> |
| HB 1001 | Sen. Kenley, Rep. Crawford | Not yet enacted into law; special session required | <p>*Limit on charter schools to one additional charter school per school corporation per calendar year (Page 166)</p> <p>*Testing & remediation divided into separate line items (\$29 million for testing, \$12 million for remediation); \$1 million of the 29 is reserved for ACT/SAT test preparation (page 198)</p> |

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| | | | <p>*Real-time data (page 161) Beginning July 1, 2009, the department shall obtain and maintain student test number information in a manner and form that permits any person who is authorized to review the information, to:</p> <ul style="list-style-type: none"> (1) access the information at any time; and (2) accurately determine: <ul style="list-style-type: none"> (A) where each student is enrolled and attending classes; and (B) the number of students enrolled in a school corporation or charter school and residing in the area served by a school corporation; <p>as of any date after June 30, 2009, occurring prior to two (2) regular instructional days before the date of the inquiry.</p> <p><i>Significant one-time cost, ongoing maintenance and staff costs. Was included in the House bill and (per IDOE's request) was left out of the original Senate bill.</i></p> <p>*Native American education materials (page 51) IDOE shall cooperate with nonprofit organizations in developing and distributing appropriate student materials and teaching guides for the curriculum. IDOE shall encourage school corporations to present materials concerning Native American games and activities to students in kindergarten through grade 5 each year during the month of November. At least fifty-six thousand dollars (\$56,000) of the above appropriation for the Native American Indian affairs commission for the state fiscal year ending June 30, 2010, shall be used by IDOE for this.</p> <p>*Making charter schools eligible for education technology grants (page 162)</p> <p>*\$75,000 for a virtual charter pilot (page 99, 166) Sec. 13. (a) As used in this SECTION, "virtual charter school" means any charter school, including a conversion charter school, that provides for the delivery of more than fifty percent (50%) of instruction to students through:</p> <ul style="list-style-type: none"> (1) virtual distance learning; (2) online technologies; or (3) computer based instruction. <p>(b) The department shall establish a pilot program to provide funding for a statewide total of up to one hundred (100) students who attend virtual charter schools. In the first year of the pilot program, the department shall operate the virtual charter school. Beginning with the second year of the pilot program, the department shall choose an entity or entities to operate the virtual charter school. The pilot program shall focus on children who have medical disabilities that prevent them from attending school or who are unable for other reasons to attend school.</p> <p>(c) A virtual charter school is entitled to receive funding from the state in an amount equal to the product of:</p> <ul style="list-style-type: none"> (1) the number of students included in the virtual charter school's ADM who are participating in the pilot program; multiplied by (2) eighty percent (80%) of the statewide average basic tuition support. |
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| | | | *Delays transition of school budget year from calendar year to (state) fiscal year from July 2010 to July 2011 (page 140) |
| SB 0027 | Sen. Buck and Lubbers | July 1, 2009 | David Ford educational technology fund. Renames the educational technology fund as the Senator David C. Ford educational technology fund. |
| HB 1389 | Reps. Summers, and Hinkle | July 1, 2009 | Twenty-first century scholars. Requires each school corporation to provide each student who applies for free or reduced lunches under the national school lunch program with an enrollment form for the twenty-first century scholars program. |
| SB 0263 | Sens. Mishler, Walker, Kruse | July 1, 2009 | Public school compensation payment schedules. Allows a public school corporation, the school for the blind and visually impaired, the school for the deaf, certain correctional institutions, certain state institutions, and the soldiers' and sailors' childrens' home to enter into a 13 month compensation payment schedule for work performed during a normal nine or ten month school year. |
| SB 0228 | Sens. Lubbers, Sipes | July 1, 2009 | End of route inspection by bus drivers. Requires the operator of a school bus or special purpose bus to visually inspect each seat within the bus at the end of each trip during which passengers are transported to determine that no passengers remain on the bus. Requires the owner of a school bus or special purpose bus to report each incident in which a passenger is left on the bus to the local superintendent, and requires the local superintendent to report this information to IDOE. Makes a violation of these provisions a Class C infraction. |
| HB 1311 | Reps. Goodin and Fry | | Establishes a hearing aid program to be administered by ISDH to assist certain children with payment for hearing aids. The hearing aid must be prescribed by a physician and dispensed by an audiologist, and the child may not have received a hearing aid via the program (for that ear) for the previous three years. Eligible children may not be covered under private insurance, Medicaid or SCHIP, and priority is given to students under 14. Individuals, or schools on the individual's behalf, may apply to ISDH. Appropriation not yet specified, currently no language in the budget/HB 1001. |
| HB 1669 | Rep. Michael | July 1 | Requires Indiana Bond Bank to administer a revolving loan fund to school corporations for conversions of heating/cooling systems to geothermal. The loan would cover only the difference between the cost of a conventional system and a geothermal system. Legislation does not take effect unless/until an appropriation is provided. The Bond Bank will set the loans' interest rates. |
| SB 0440 Related language in HB 1097 | Sen. Gard | July 1, 2010 | Requires ISDH to adopt rules concerning indoor air quality in schools and state agencies. Provides that after the ISDH inspects a school or state agency for indoor air quality as the result of a complaint, the ISDH must report certain information. Provides that, after June 30, 2009, if the ISDH amends the rules concerning health and safety requirements for school buildings and school sites, the ISDH must consider the effects of outdoor air quality when establishing criteria for school siting. |